

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendments and the following remarks. The Applicants originally submitted Claims 1-23 in the application. In response to the present office action, the Applicants have amended Claims 5 and 6. Accordingly, Claims 1-23 are currently pending in the application. The Applicants respectfully request reconsideration of this application in view of the foregoing amendments and the following remarks.

I. Rejection of Claims 5 and 6 under 35 U.S.C. §112 Second Paragraph

The Examiner rejected Claims 5 and 6 under 35 U.S.C. §112, second paragraph as being indefinite. The Applicants have amended Claims 5 and 6 to correct erroneous dependencies and appreciate the Examiner's attention to these matters.

II. Rejection of Claims 1-3, 7-11, 15-19 and 23 under 35 U.S.C. §102(e)

The Examiner has rejected Claims 1-3, 7-11, 15-19 and 23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,516,378 B1 to Yamashita *et al.*. Yamashita does not anticipate the presently claimed invention because Yamashita does not teach separate data and instruction units. In the presently application, the instruction unit (111) is described as responsible for ensuring that instructions are properly decoded, fetched, tracked and queued for execution (paragraph 22). Program ROM (51) and program RAM (52) of Yamashita cited by the Examiner have no control functionality, but serve only as instruction memory storage space. As such, they

cannot be properly construed as instruction units and Yamashita fails to teach separate data and instruction units. Accordingly, Yamashita does not teach each and every element of the claimed invention, and as such, is not an anticipating reference. Therefore, the Applicants requests that the Examiner remove the rejection of these claims under 35 U.S.C. §102(e).

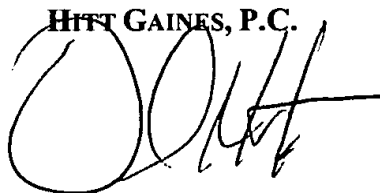
III. Conclusion

In view of the foregoing amendments and remarks, the Applicants now see all of the claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-23.

The Applicants requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, P.C.

A handwritten signature in black ink, appearing to read 'D. Hitt', is written over the printed name 'HITT GAINES, P.C.'.

David H. Hitt
Registration No. 33,182

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P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800